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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,233	12/19/2005	Lars Ake Naslund	027651-287	1642

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EXAMINER

KENNEDY, JOSHUA T

ART UNIT	PAPER NUMBER
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3679

MAIL DATE	DELIVERY MODE
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06/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,233

Applicant(s)

NASLUND ET AL.

Examiner

Joshua T. Kennedy

Art Unit

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JK

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 and 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in the reply filed on 5/10/2007 is acknowledged. The traversal is on the ground(s) that the Group I and Group II claim sets both define a device for fastening an emitter to a housing and that the method set forth in Claim 11 defines the method in terms of the operation of interaction of features recited in the Group I and Group II claim sets. This is not found persuasive because as set forth in the previous Office action under PCT Rule 13.2, the same corresponding technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art must be present. Claims 3 and 11 lack the same corresponding technical features of Claim 1, which is a cam mechanism and Claim 3 does not require a housing as Claim 11 does. The activating element, which is common to both claims, is known and therefore there is a lack of unity *a posteriori* since the activating element is not a technical feature that defines a contribution over the prior art as is demonstrated by element 46 in US Patent 5,517,697 and by element 37 in US Patent 5,975,592.

The requirement is still deemed proper and is therefore made FINAL.

Claims 3-7 and 11-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/10/2007.

Claims 1, 2, and 8-10 have been examined.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether claim 2 is drawn to the combination or subcombination. In particular, the preamble of claim 2 implies the subcombination of the fastening device while line 7 in the body of the claims positively includes the emitter. For this Office action only, it will be considered that these claims are drawn to the subcombination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin (US Patent 5,975,592).

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As to Claim 1. Lin discloses a device capable of fastening an emitter to a housing comprising a first, maneuver element (5) being slidable in a first direction (Figs 2A-2B), a second, activating element (37) being slidable in a second, fastening direction being inclined in relation to said first direction (Figs 2A-2B), whereby the first and second elements are interconnected via at least one cam mechanism (61) such that displacement of the first element in said first direction causes displacement of the second element in said second direction (Figs 2A-2B).

As to Claim 2. Lin discloses the device further comprising a third, fastening element (27,29) being slidable in the second direction, whereby the second and third elements are interconnected via at least one fourth, elastic element (9) being elastic in said second direction, whereby the third element is adapted to move, in response to displacement of the first element in said first direction, between a fastening position in which it produces a fastening force onto said emitter and an open position in which the fastening force is released (Figs 2A-2B).

As to Claim 8. Lin discloses the elastic element (9) having a minimal elastic length (Fig 2B) being shorter than the distance between the second, activating element (37) and the third, fastening element (27,29) when the device is in its fastening position.

As to Claim 9. Lin discloses the device comprises at least two elastic elements between the second, activating element and the third, fastening element (Figs 2A-2B).

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As to Claim 10. Lin discloses wherein the first, maneuver element and the second, activating element being interconnected via at least two cam mechanisms (61).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 3492702, 386729, 5517697, 6450727, 6644467 and US Patent Application Publications 2003/0156508, 2004/0051302, 2004/0246880, 2006/0016163 all cited to show similar fastening devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JTK

6/7/2007



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